

ASSEMBLY BILL NO. 105—ASSEMBLYWOMAN KRASNER

PREFILED JANUARY 28, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing parole. (BDR 16-19)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to parole; requiring any person who provides testimony to the State Board of Parole Commissioners to submit a statement signed under penalty of perjury that such testimony is true and correct to the best of the person’s knowledge and belief; revising provisions relating to standards adopted by the Board to assist in determining whether to grant or revoke the parole of a person; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State Board of Parole Commissioners to adopt by  
2 regulation specific standards for each type of convicted person to assist the Board  
3 in making a determination as to whether to grant or revoke parole. Such regulations  
4 must include standards for determining whether to grant or revoke the parole of a  
5 convicted person who: (1) committed a capital offense; (2) was sentenced to serve a  
6 term of imprisonment for life; (3) was convicted of a sexual offense involving the  
7 use or threat of use of force or violence; (4) was convicted as a habitual criminal;  
8 (5) is a repeat offender; or (6) was convicted of any other type of offense. (NRS  
9 213.10885) **Section 3** of this bill adds to these categories a convicted person who  
10 was convicted of an act that constitutes domestic violence.

11 Existing law also requires the Board, in establishing the specific standards for  
12 each type of convicted person, to consider factors which are relevant in determining  
13 the probability that a convicted person will live and remain at liberty without  
14 violating the law if parole is granted or continued. (NRS 213.10885) **Section 3**  
15 additionally requires the Board to consider whether the person has ever been: (1)  
16 convicted of an act that constitutes domestic violence in Nevada or a similar  
17 offense in another state; or (2) found responsible for the wrongful death of a person  
18 and ordered to pay punitive damages.



19       **Section 1** of this bill requires any person who provides oral or written  
20 testimony to the Board to submit a statement signed under penalty of perjury that  
21 such testimony is true and correct to the best of his or her knowledge and belief.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 213 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       *Any person who provides oral or written testimony to the Board*  
4 *must submit a statement signed under penalty of perjury that such*  
5 *testimony is true and correct to the best of his or her knowledge*  
6 *and belief.*

7       **Sec. 2.** NRS 213.107 is hereby amended to read as follows:

8       213.107 As used in NRS 213.107 to 213.157, inclusive, *and*  
9 *section 1 of this act*, unless the context otherwise requires:

10      1. “Board” means the State Board of Parole Commissioners.

11      2. “Chief” means the Chief Parole and Probation Officer.

12      3. “Division” means the Division of Parole and Probation of  
13 the Department of Public Safety.

14      4. “Residential confinement” means the confinement of a  
15 person convicted of a crime to his or her place of residence under  
16 the terms and conditions established by the Board.

17      5. “Sex offender” means any person who has been or is  
18 convicted of a sexual offense.

19      6. “Sexual offense” means:

20      (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
21 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
22 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or  
23 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of  
24 NRS 201.560;

25      (b) An attempt to commit any offense listed in paragraph (a); or

26      (c) An act of murder in the first or second degree, kidnapping in  
27 the first or second degree, false imprisonment, burglary or invasion  
28 of the home if the act is determined to be sexually motivated at a  
29 hearing conducted pursuant to NRS 175.547.

30      7. “Standards” means the objective standards for granting or  
31 revoking parole or probation which are adopted by the Board or the  
32 Chief.

33       **Sec. 3.** NRS 213.10885 is hereby amended to read as follows:

34       213.10885 1. The Board shall adopt by regulation specific  
35 standards for each type of convicted person to assist the Board in  
36 determining whether to grant or revoke parole. The regulations must  
37 include standards for determining whether to grant or revoke the  
38 parole of a convicted person:



- 1 (a) Who committed a capital offense.
- 2 (b) Who was sentenced to serve a term of imprisonment for life.
- 3 (c) Who was convicted of a sexual offense involving the use or
- 4 threat of use of force or violence.

5 (d) *Who was convicted of an act that constitutes domestic*

6 *violence pursuant to NRS 33.018.*

7 (e) Who was convicted as a habitual criminal.

8 ~~((e))~~ (f) Who is a repeat offender.

9 ~~((f))~~ (g) Who was convicted of any other type of offense.

10 ↪ The standards must be based upon objective criteria for

11 determining the person's probability of success on parole.

12 2. In establishing the standards, the Board shall consider the

13 information on decisions regarding parole that is compiled and

14 maintained pursuant to NRS 213.10887 and all other factors which

15 are relevant in determining the probability that a convicted person

16 will live and remain at liberty without violating the law if parole is

17 granted or continued. The other factors the Board considers must

18 include, but are not limited to:

19 (a) The severity of the crime committed;

20 (b) The criminal history of the person ~~((H))~~, *including, without*

21 *limitation, whether the person has ever been convicted of an act*

22 *that constitutes domestic violence pursuant to NRS 33.018 in this*

23 *State or a similar offense in another state;*

24 (c) *Whether the person has ever been found responsible for the*

25 *wrongful death of another person and ordered to pay punitive*

26 *damages;*

27 (d) Any disciplinary action taken against the person while

28 incarcerated;

29 ~~((d))~~ (e) Any previous parole violations or failures;

30 ~~((e))~~ (f) Any potential threat to society or to the convicted

31 person; and

32 ~~((f))~~ (g) The length of his or her incarceration.

33 3. In determining whether to grant parole to a convicted

34 person, the Board shall not consider whether the person has

35 appealed the judgment of imprisonment for which the person is

36 being considered for parole.

37 4. The standards adopted by the Board must provide for a

38 greater punishment for a convicted person who has a history of

39 repetitive criminal conduct or who commits a serious crime, with a

40 violent crime considered the most serious, than for a convicted

41 person who does not have a history of repetitive crimes and did not

42 commit a serious crime.

43 5. The Board shall make available to the public a sample of the

44 form the Board uses in determining the probability that a convicted



1 person will live and remain at liberty without violating the law if  
2 parole is granted or continued.

3 6. On or before January 1 of each odd-numbered year, the  
4 Board shall review comprehensively the standards adopted by  
5 the Board. The review must include a determination of whether the  
6 standards are effective in predicting the probability that a convicted  
7 person will live and remain at liberty without violating the law if  
8 parole is granted or continued. If a standard is found to be  
9 ineffective, the Board shall not use that standard in its decisions  
10 regarding parole and shall adopt revised standards as soon as  
11 practicable after the review.

12 7. The Board shall report to each regular session of the  
13 Legislature:

14 (a) The number and percentage of the Board's decisions that  
15 conflicted with the standards;

16 (b) The results and conclusions from the Board's review  
17 pursuant to subsection 6; and

18 (c) Any changes in the Board's standards, policies, procedures,  
19 programs or forms that have been or will be made as a result of the  
20 review.

